IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14556 of 2004

Between:

Smt. Ravoori Aparna, W/o. Radhakrishnam Naidu,
Hindu, R/o. Sreenivasa Agrharam, By-pass Road, Nellore, Nellore District.

..... PETITIONER

AND

1 The State of Andhra Pradesh, Rep. by the Principal Secretary (Home), Secretariat, Hyderabad.
2 The Superintendent of Police, Nellore Town, Nellore.
3 The Circle Inspector of Police, Nellore Town, Nellore.
4 Mr. Shaik Mohammed Rasheed, S/o. Ismail, Muslim, R/o. Sikharam Vari Street, Nellore, Nellore District.
5 Mr. Shaik Rahamath Rasheed, S/o. AllaBakshu, Muslim, Buchireddy Palem Village, Nellore, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Mandamus or any other appropriate Writ, declaring the malafide intention of the 2nd and 3rd Respondents and acted under the instructions of the unofficial respondents here in committed breach of the mandatory provisions in the process of investigation as illegal, arbitrary, being violation of Article 14, 15 and 21 of the Constitution of India and consequently direct the 1st Respondent to entrust the complaint filed on 1-8-2002 to the C.B.C.I.D. to re-investigate under Cr.P.C. and to call for all the records pertaining to the investigation which has been made so far,

Counsel for the Petitioner :MR. RAMANA ALLU

Counsel for the Respondents 1 to 3: GP FOR HOME

Counsel for the respondents 4 & 5 :

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.14556 OF 2004

ORDER :

The petitioner lodged a complaint on 01-08-2002 with the 2nd respondent – Superintendent of Police, Nellore town making certain allegations against the 4th respondent herein, on the basis of which Cr.No.258/2002 was registered on the file of II Town P.S., Law and Order, Nellore, on 26-10-2002 for the offences punishable under Sections 366, 342, 354 and 506 of the Indian Penal Code.

It is not in dispute that, having completed the investigation, a charge-sheet has already been filed on 04-04-2003 before the competent Court. The only grievance of the petitioner in this writ petition is that the respondents 2 and 3 i.e., the Superintendent of Police and Circle Inspector of Police, Nellore Town, at the instance of the respondents 4 and 5, did not conduct the investigation in accordance with the mandatory provisions of law and therefore it is necessary in the interest of justice to direct re-investigation by entrusting the same to the CBCID.

On behalf of the respondents 2 and 3, the Sub-Inspector of Police, II Town PS, L&O, Nellore, filed a counter-affidavit stating that pursuant to registration of Cr.No.258 of

2002 on the file of II Town P.S., his predecessor Sri C.Vijayabhaskara Rao took up the investigation and after completion of investigation, charge-sheet was filed on 4-4-2003, vide PRC.No.27 of 2003 which was made over to the Court of Principal Assistant Sessions Judge, Nellore and numbered as S.C.No.34 of 2004 and that since 18-05-2004 the accused i.e., respondents 4 and 5 herein are invariably attending the Sessions Court. The allegation made by the petitioner is that the respondents 2 and 3 acted under the influence of the unofficial respondents and failed to conduct the investigation in accordance with the mandatory provisions of law has been denied and it is stated that the then Sub-Inspector of Police, who conducted the investigation filed the charge-sheet under the same provisions of law under which it was registered and that the petitioner never raised any objection before the competent Court.

I have heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondents and perused the material on record.

Having regard to the facts and circumstances of the case and particularly keeping in view that the investigation was completed and the charge-sheet was filed long back on 4-4-2003, on the basis of which S.C.No.34 of 2004 on the file of the Principal Assistant Sessions Judge, Nellore is pending trial, the relief as prayed for entrusting the investigation to CBCID, cannot be granted. There is nothing on record to show that the petitioner ever raised any objection as to the alleged irregularities in the process of investigation either before the Court where the charge-sheet was filed or at any time thereafter. This writ petition is filed in August, 2004 seeking reinvestigation by CBCID is devoid of any merit and is accordingly dismissed. No costs.

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17th November, 2004.

Gbs

To

1 The Principal Secretary (Home), State of Andhra Pradesh, Secretariat, Hyderabad.
2 The Superintendent of Police, Nellore Town, Nellore.
3 The Circle Inspector of Police, Nellore Town, Nellore.
4.2CCs to G.P. for Home, High Court of AP Bldgs, Hyderabad (OUT),

5.2CD copies